

Assembly Bill No. 2587

CHAPTER 641

An act to amend Sections 108921 and 108922 of the Health and Safety Code, relating to toxic substances.

[Approved by Governor September 21, 2004. Filed
with Secretary of State September 21, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, Chan. Hazardous chemicals.

Existing law prohibits, on and after January 1, 2008, a person from manufacturing, processing, as defined, or distributing in commerce a product, or a flame-retarded part of a product, containing more than $\frac{1}{10}$ of 1% pentaBDE or octaBDE, by mass. Existing law specifies that the term process, as used in this prohibition, does not include the processing of metallic recyclables.

This bill would change the date when the prohibition goes into effect to June 1, 2006. The bill would define the term "metallic recyclable" for purposes of the definition of the term "process." The bill would also revise the definitions of the terms "pentaBDE" and "octaBDE" to include specified technical mixtures. The bill would revise the prohibition to instead prohibit the manufacturing, processing, or distribution in commerce of a product, as defined, that contains more than the $\frac{1}{10}$ of 1% pentaBDE or octaBDE, except as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 108921 of the Health and Safety Code is amended to read:

108921. For purposes of this chapter, the following definitions apply:

(a) "OctaBDE" means octabrominated diphenyl ether or any technical mixture in which octabrominated diphenyl ether is a predominate congener.

(b) "PBDE" means polybrominated diphenyl ether.

(c) "PentaBDE" means pentabrominated diphenyl ether or any technical mixture in which pentabrominated diphenyl ether is a predominate congener.

(d) "Congener" means a specific PBDE molecule.

(e) “Process” does not include the processing of metallic recyclables containing PBDEs that is conducted in compliance with all applicable federal, state, and local laws.

(f) “Product” means a product manufactured on or after June 1, 2006.

(g) “Metallic recyclable” has the same meaning as a metallic discard, as defined in Section 42161 of the Public Resources Code.

(h) “Recycle” has the same meaning as defined in Section 40180 of the Public Resources Code.

(i) “Technical mixture” means a PBDE mixture that is sold to a manufacturer. A technical mixture is named for the predominant congener in the mixture, but is not exclusively made up of that congener.

SEC. 2. Section 108922 of the Health and Safety Code is amended to read:

108922. On and after June 1, 2006, a person may not manufacture, process, or distribute in commerce a product, or a flame-retarded part of a product, containing more than one-tenth of 1 percent of pentaBDE or octaBDE, except for products containing small quantities of PBDEs that are produced or used for scientific research on the health or environmental effects of PBDEs.

